



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA FIRST CLASS MAIL

Gregory T. Uliasz, Esq.
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45 Bay Street
Manchester, NH 03104

AUG 23 2019

RE: MUR 7500
St. Mary's Bank

Dear Mr. Uliasz:

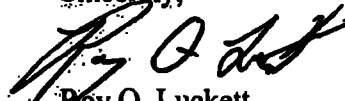
On September 17, 2018, the Federal Election Commission notified your client, St. Mary's Bank, of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended. On April 5, 2019, the Commission notified St. Mary's Bank of a supplement to the complaint.

Upon further review of the allegations contained in the complaint, and information provided by St. Mary's Bank, the Commission, on August 20, 2019, voted to find no reason to believe that St. Mary's Bank violated 52 U.S.C. § 30118(a). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,


Roy Q. Luckett
Attorney

Enclosure
Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2
3 **FACTUAL AND LEGAL ANALYSIS**

4 **RESPONDENTS:** St. Mary's Bank
5 The Honorable Gillian Abramson

MUR 7500

6 **I. INTRODUCTION**

7 This matter was generated by a Complaint filed with the Federal Election Commission
8 (the "Commission") by Baboucar Taal. *See* 52 U.S.C. § 30109(a)(1). As set forth below, the
9 Commission finds no reason to believe that St. Mary's Bank violated 52 U.S.C. § 30118(a), a
10 provision of the Federal Election Campaign Act of 1971, as amended (the "Act"), in connection
11 with the alleged issuance of a fraudulent mortgage. The Commission also finds no reason to
12 believe that the Honorable Gillian Abramson violated the Act by making an unlawful straw
13 donation or by issuing legal relief.

14 **II. FACTUAL AND LEGAL ANALYSIS**

15 The Complaint alleges that St. Mary's Bank ("Bank") made campaign contributions in
16 the form of fraudulently provided mortgages in violation of the Act. Specifically, it asserts that
17 the Bank granted mortgages to individuals between six months to a year prior to the individuals
18 registering as candidates for federal and state office and then discharging the loan obligation
19 within 21 to 31 days after making the loan.¹ The scheme allegedly resulted in giving the
20 appearance that the candidate had sufficient funds to "inject[]" his or her own money into a
21 given campaign.²

22 The Complaint identifies only one individual as benefiting from the alleged scheme, the
23 Bank's former Chairman Ovide M. Lamontagne, who was a candidate for U.S. Senate in New

1. Compl. at 1 (Sept. 17, 2018).

2. *Id.*

1 Hampshire in 2010 and the recipient of a 30-year mortgage from the Bank on June 16, 2016,
2 which was reportedly discharged on July 5, 2016.³ Although the Complaint appears to allege
3 that the Bank has made an impermissible corporate contribution to Lamontagne,⁴ the Complaint
4 makes no connection between Lamontagne's 2010 Senate campaign and the mortgage, which in
5 any event was issued to Lamontagne several years after the conclusion of his campaign.⁵

6 A Supplement to the Complaint includes an attachment containing an additional
7 allegation that the Honorable Gillian Abramson, a judge on the New Hampshire Superior Court
8 who presided over a lawsuit that the Complainant filed against the Bank, engaged in an unlawful
9 "straw campaign donation."⁶ This allegation appears to be related to a claim set forth in the
10 Supplement that Judge Abramson "provid[ed]" Lamontagne with a \$1,000 "direct [] benefit" in
11 connection with a lawsuit.⁷ Specifically, the Supplement appears to contend that, by issuing
12 cease-and-desist relief to the Bank in 2012 in her official capacity as the judge presiding over the
13 lawsuit Complainant filed against the Bank, Judge Abramson made a contribution to

³ Compl. at 1, 5, 7. The Complaint contains a copy of a page from a disclosure report of Ovide for Senate 2010, Lamontagne's authorized committee, showing \$45,000 in contributions from Lamontagne in September 2010. *Id.* at 16. According to the Complaint, Lamontagne was a gubernatorial candidate in 2012. *Id.* at 6.

⁴ The Act prohibits corporations from making contributions to candidates and candidate committees, and prohibits the knowing receipt of such contributions. 52 U.S.C. § 30118(a). Contributions include "loans" or "anything of value" made for the purpose of influencing an election, but do not include bank loans made in the ordinary course of business "on a basis which assures repayment," which are "evidenced by a written instrument and subject to a due date or amortization schedule," and that are made at a usual and customary interest rate for the lender for the category of loan involved. 52 U.S.C. § 30101(8)(B)(vii).

⁵ In its response to the Complaint, the Bank provides copies of Lamontagne's mortgages and mortgage discharge and denies any violation of the Act. Bank Resp (Oct. 11, 2018) at 1-2, Attachs.

⁶ Supplement to the Compl. (Supplement), Appendix at 1 (March 29, 2019). The Supplement also alleges violations of other statutes not under the Commission's jurisdiction. Supplement at 1. Judge Abramson's Response states that Complainant sued the Bank in connection with the Bank's sale of Complainant's vehicle the Bank obtained after Complainant defaulted on loans. Abramson Resp. (May 3, 2019) at 1-2.

⁷ Supplement at 2. The Bank and Judge Abramson each deny any violation of the Act. Bank Supp. Resp. at 1 (Apr. 23, 2019); Abramson Resp. at 1-4. Judge Abramson's Response also describes prior legal actions by the Complainant against the Judge and the Bank. Abramson Resp. at 2-3 and Attach.

1 Lamontagne's 2010 campaign because her ruling benefitted Lamontagne in the amount of
2 \$1,000 by causing "a (distraction of) [a] legal civil case to disappear."⁸ Like the initial
3 Complaint, the Supplement lacks a connection between Lamontagne's 2010 Senate campaign
4 and the 2012 judicial relief awarded to the Bank.

5 The FEC contributor database does not reflect that Judge Abramson has made itemized
6 contributions to any federal committees. Mark A. Abramson, Judge Abramson's husband,
7 reportedly made a \$1,000 contribution to Lamontagne's campaign on September 28, 2010.⁹ The
8 available information does not indicate that this contribution may have been impermissible.

9 The Commission has stated that mere speculation, without more, does not provide a
10 sufficient basis to support a reason to believe finding.¹⁰ Here, the Complaint's theories that
11 alleged unlawful contributions in the forms of mortgage issuance and judicial relief were made to
12 Lamontagne are speculative and stale. Moreover, the alleged contributions occurred after the
13 conclusion of Lamontagne's 2010 campaign. In addition, none of the submissions identify any
14 specific reason why the contribution made by Judge Abramson's spouse may have been
15 improper.

⁸ Supplement at 1-2.

⁹ Ovide for Senate 2010 October Quarterly Report at 5 (Oct. 15, 2010).

¹⁰ See Statement of Reasons of Comm'rs Mason, Sandstrom, Smith & Thomas at 3, MUR 4960 (Hillary Rodham Clinton for US Senate Exploratory Committee, Inc.) ("[P]urely speculative charges, especially when accompanied by a direct refutation, do not form an adequate basis to find reason to believe that a violation of FECA has occurred.").

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- 1 Accordingly, the Commission finds no reason to believe that St. Mary's Bank violated
- 2 52 U.S.C. § 30118(a) in connection with the alleged issuance of a fraudulent mortgage. The
- 3 Commission also finds no reason to believe that the Honorable Gillian Abramson violated the
- 4 Act by making an unlawful straw donation or by issuing legal relief.

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